

U.S. Patent Application Serial No. 10/525,620  
Reply to Office Action dated April 4, 2006

**Remarks:**

Applicants have read and considered the Office Action dated April 4, 2006 and the references cited therein. Claims 1 and 7 have been amended. Claims 2, 8 and 9 have been cancelled without prejudice or disclaimer. Claims 1 and 3-7 are currently pending.

In the Action, claims 1-9 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite. It was stated that there was no antecedent basis for "the particular container" in claim 1, line 11. Claim 1 has been amended to provide proper reference to the container. Other minor amendments have been made for readability. Applicants assert that no new matter has been added. Applicants assert that the rejection is overcome and request withdrawal of the rejection.

Claims 1-6, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Helbling. Claim 1 has been amended and incorporates features of claims 2, 8 and 9. Applicants note that Helbling teaches a dispensing machine in which identically shaped receptacles, in particular carafes, are positioned. The carafes are color coded for the different types of coffee to inform the wait staff what type of coffee should be placed in the carafe. Sensors are provided for reading identification devices such as a magnetic strip under the receptacles. The controller is able to determine at which station the particular type of carafe is placed. Applicants note that the receptacles are identically shaped in Helbling and the color identification is used only by the wait staff and not the controller of the device.

Conversely, the present invention includes at least one sensor for detecting at least one of the shape characteristic and weight of containers, which differs from one another. The containers such as cups, glasses or bowls are differently shaped and/or have different weights and each container is dedicated to a very specific type of food. For example, some containers may be dedicated for regular coffee, some for decaffeinated coffee, others for sodas and still others for soups. This differs from the identical shaped containers of Helbling. The learning means recited in claim 1 first read and store an identification signal of a container stored and

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learned by the dispensing device so that the very specific container, such as a glass, may be stored as being a soda glass or even more particularly as a cola glass. Moreover, the present invention provides for filling the particular glass up to the correct amount of foodstuffs, such as soda or more particularly, even cola for example. After initial setup, the present invention automatically knows what type of container is being filled and the precise amount to dispense to fill the container.

Applicant asserts that no learning means are provided in Helbling. Moreover, Helbling neither teaches nor suggests such learning means and has no need to teach or suggest such learning means as identical carafes are always used with the Helbling device.

Claim 1 recites an identification means including a programmable memory in which the amount and choice are stored. Claim 1 further recites that to store the memory data related to the amount and the state of filling based on an identification signal, and to the specific foodstuff is entered into the memory for providing automatic filling. As stated above, Helbling neither teaches nor suggests such an advantageous system. Applicants assert that Helbling and any other prior art or combination thereof fails to teach or suggest the device recited in claim 1. Applicants assert that claim 1 and the claims depending therefrom patentably distinguish over the prior art. Applicants request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim 7 has been rewritten in independent form. The only rejection of claim 7 was for an indefiniteness rejection. As stated above, Applicants assert that the indefiniteness rejection has been overcome. Applicants assert that claim 7 is therefore in condition for allowance.

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A speedy and favorable action is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' Representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

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